

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
N/S Mantle Street, 325' E of
the c/l of Hillway Avenue
(1424 Mantle Street)
11th Election District
5th Councilmanic District
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-311-A
Timothy D. Bowen, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 33 feet in lieu of the required 50 feet for a proposed 15' x 14' one-story addition, and a side yard setback of 0 feet in lieu of the minimum required 2.5 feet for an accessory structure, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearings, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In support of their position, petitioners submitted an affidavit signed by several of their neighbors, including adjoining property owners, indicating they have no objections to their plans. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R.

Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of April, 1991 that the Petition for Residential Variance to permit a rear yard setback of 33 feet in lieu of the required 50 feet for a proposed 15' x 14' one-story addition, and a side yard setback of 0 feet in lieu of the minimum required 2.5 feet for an accessory structure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments.
- 3) The proposed addition shall be equipped with appropriate downspouts and gutters to divert all water runoff away from adjoining properties.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

111 West Chesapeake Avenue
Towson, MD 21204

April 2, 1991

887-3353

Mr. & Mrs. Timothy D. Bowen
1324 Mantle Street
Baltimore, Maryland 21234

RE: PETITION FOR RESIDENTIAL VARIANCE
N/S Mantle Street, 325' E of the c/l of Hillway Avenue
(1324 Mantle Street)
11th Election District - 5th Councilmanic District
Timothy D. Bowen, et ux - Petitioners
Case No. 91-311-A

Dear Mr. & Mrs. Bowen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-311-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently or upon settlement will reside at

1324 Mantle Street, Baltimore, MD 21234
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

- 1) Due to growing family, we need more living space
- 2) Need additional 16 feet in rear of house but will extend over 50' min. set back
- 3) Other homes in block have built additions on rear, extending over 50' set back
- 4) Unable to afford larger housing

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Timothy D. Bowen
AFFIANT (Handwritten Signature)

Terri L. Bowen
AFFIANT (Handwritten Signature)

Timothy D. Bowen
AFFIANT (Printed Name)

Terri L. Bowen
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of January, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Timothy D. Bowen and Terri L. Bowen

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE 1/31/91

NOTARY PUBLIC

My Commission Expires 6/3/93

ZONING DESCRIPTION

Being Known AND DESIGNATION AS Lot No. 13, Block Q, AS laid out and delineated on Plat prepared by Knecht and Maxwell, Landscape Architects and Engineers, and entitled "Reform Plat, Section 2, Block O, P, Q, Parkside Heights", said Plat being dated February 21, 1958 and recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 25, Folio 60. The improvements thereon being known as No. 1324 Mantle St (Formerly known as No. 1624 Mantle St) Describe AS Beginning At A Point on the North side of Mantle St which is 325 Feet East of the Centerline of Hillway Ave, moving Around the Circumference of the Property, first more North 166' then East 22' then South 104' then West 28' returning back to that same point. Also known as 1324 Mantle St and located in the #9 Election District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th
Posted for Res. Variance
Petitioner: Timothy D. Bowen, et ux
Location of property: N/S Mantle St, 325' E of Hillway Ave, 1324 Mantle St
Location of Sign: Across Mantle St, 13' from Hillway Ave, on property of P.H. Haines
Remarks: None
Posted by: [Signature]
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

Please Make Checks Payable To: Baltimore County
BANK OF AMERICA
111 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204
NEXT BUSINESS DAY

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1802.3.C.1 & Sec. 400.1

To allow a rear setback: (1) for an addition of 33 ft. in lieu of 50 ft. & a side yard setback for (2) an accessory structure of zero ft. in lieu of 2.5 ft. in a D.R.-10.5

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons:

- 1) Due to growing family, we need additional living space
 - 2) Need additional 16 feet in rear of house, but will extend over 50' min. set back
 - 3) Other homes in block have built addition on rear, extending over 50' set back
 - 4) Unable to afford larger housing
- Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expense of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of Feb, 1991, that the subject matter of this petition be posted on the property on or before the 20th day of Feb, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of Feb, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 4th day of Feb, 1991, at 10:00 o'clock, A.M..

ORDER RECEIVED FOR FILING

Date 1/31/91

ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 20, 1991

Timothy and Terri Bowen
1324 Mantle Street
Baltimore, Maryland 21234

Re: CASE NUMBER: 91-311-A

LOCATION: N/S Mantle Street, 325' E of c/l of Hillway Avenue
1324 Mantle Street

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before February 27, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is March 14, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

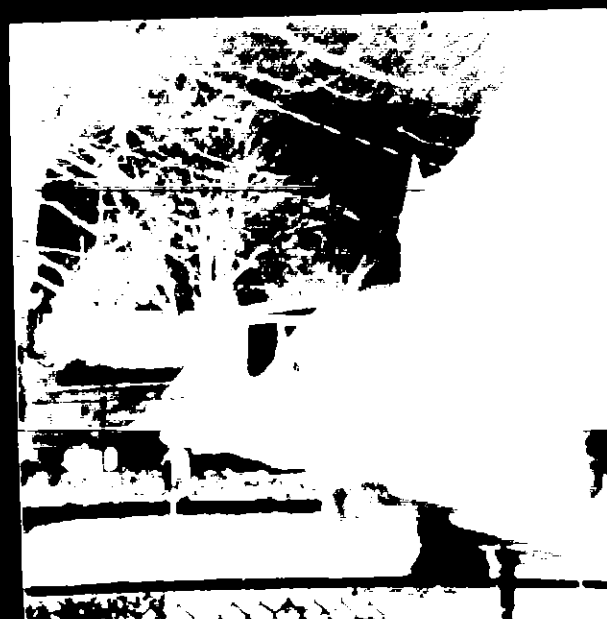
Very truly yours,

[Signature]
C. G. Stephens
(301) 887-3391

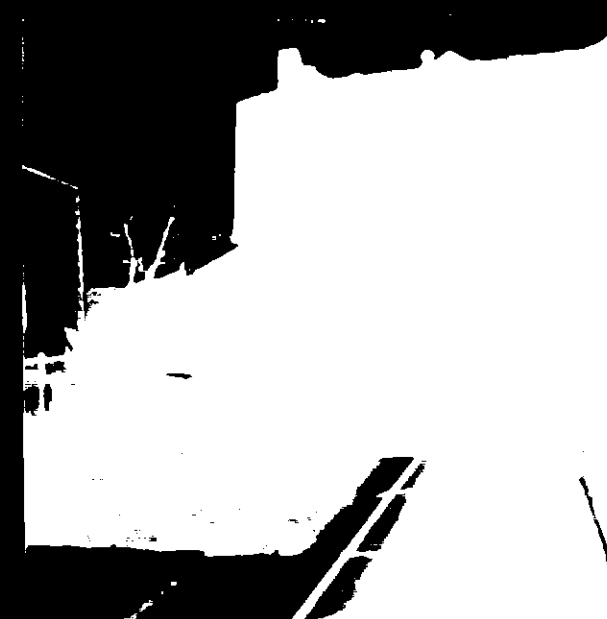
91-311-A



4 market # 311



137-10896-#39



1334 MARINE ST
#311

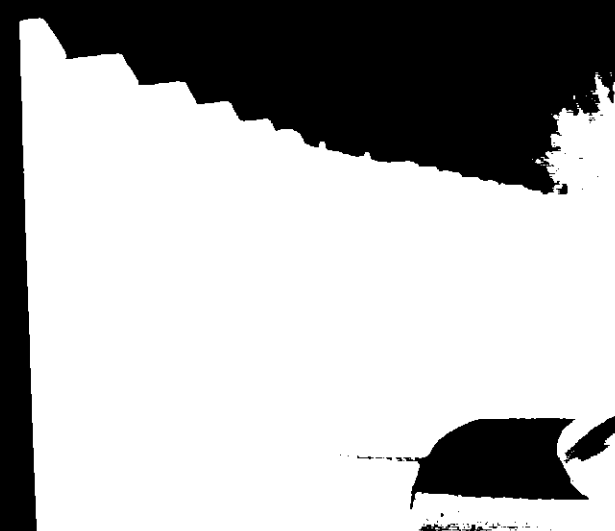
PETITIONER'S EXHIBIT # 3

C A S E N U M B E R

91-311-A



317



13 12 2000 ST
#31



#3



12.24 mantle sl
** 311

PETITIONER'S EXHIBIT # 4

To whom it may concern:

We the undersigned being neighbors of 1324 Mantle Street are in agreement with and do approve the building of a 16 x 14 room addition to the back part of the Bowen's house as in accordance to the variance H9100311

Signatures	Addresses
John J. Jones	1322 Mantle St. Dando 21234
John J. Jones	1314 Mantle St. Dando 21234
Wes. Anderson	1314 Mantle St. Dando 21234
Dan Kerkel	1317 Kenton Rd. Dando 21234
Samuel A. Brown	1315 Kenton Rd. Dando 21234
Wm. J. McLeod	1315 Kenton Rd. Dando 21234
Wm. J. McLeod	1317 Kenton Rd. Dando 21234
William J. Brown	1330 Mantle St. Dando 21234
William J. Brown	1330 Mantle St. Dando 21234
William J. Brown	1330 Mantle St. Dando 21234

Petitioner's
Affidavit to

91-311-A



#311
91-311-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
AERIAL PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	HARFORD PARK	N.E.
DATE OF PHOTOGRAPHY		8-C